

**United States Bankruptcy Court  
Eastern District of Virginia  
Alexandria Division**

**In re:**

**WW Contractors, Inc.,  
  
Debtor.**

**Case No. 18-12095-BFK  
  
Chapter 11**

**Hearing: December 11, 2018, 11:00 am  
Courtroom I, 2<sup>nd</sup> Floor**

**Objection to Retention of Whiteford  
Taylor & Preston, LLP as Counsel to the Debtor**

Comes Now, John P. Fitzgerald, III, Acting United States Trustee for Region 4, and files this objection to the application of the Debtor to approve the employment of Whiteford, Taylor & Preston, (“WT&P”) as attorney for the Debtor. Docket No. 122.

The Debtor proposes to pay WT&P a \$15,000 retainer, and thereafter pay WT&P \$15,000 a month. The monies will be held in WT&P’s client trust account until the Court authorizes payment.

The United States Trustee objects because the Debtor owes the United States Trustee \$39,480 in fees for the 3<sup>rd</sup> quarter of 2018.

The fee was due October 31, 2018. 28 U.S.C. Section 1930(a)(6)(A) (“The [UST] fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed”).

Approving the retention and payment of a \$15,000 retainer and \$15,000 every month thereafter to WT&P while United States Trustee fees are in arrears violates a fundamental principle of bankruptcy - similar interests are to be treated similarly.

Moreover, the importance of paying the United States Trustee fees cannot be overstated. Congress, in its wisdom, has enumerated the failure of a debtor to pay the fee as “cause” to dismiss or convert this case. 11 U.S.C. Section 1112(b)(4)(K) (“failure to pay any fee or charges required under chapter 123 of title 28”).

John P. Fitzgerald, III  
Acting United States Trustee  
For Region 4

/s/ Jack Frankel  
Jack Frankel, Attorney  
Office of United States Trustee  
1725 Duke Street, Suite 650  
Alexandria, VA 22314  
(703) 557-7229

**Certificate of Service**

I hereby certify that on the 21<sup>st</sup> day of November, 2018, I e-mailed a copy of this objection to David W. Gaffey, Esq., [dgaffey@wtplaw.com](mailto:dgaffey@wtplaw.com) and Aryeh E. Stein, Esq., [astein@meridianlawfirm.com](mailto:astein@meridianlawfirm.com).

/s/ Jack Frankel